

### LISTING OF CLAIMS

This Listing of Claims will replace all prior versions and Listings of Claims in the application:

1. (Currently Amended) An element, comprising:  
a bimodal spring member including an exterior edge, wherein the bimodal spring member is capable of maintaining ~~movable between~~ a first stable position at which the exterior edge is located at a first position, and wherein the bimodal spring member is capable of maintaining a second stable position at which the exterior edge is located at a second position; and  
an arm extending from the exterior edge of the bimodal spring member, wherein the arm is located at an open position when the exterior edge is located at ~~moves in response to the bimodal spring member changing between~~ the first stable position, and wherein the arm is located at a closed position when the exterior edge is located at the second ~~stable~~ position.
2. (Original) An element according to claim 1, wherein the bimodal spring member and the arm form an integral unit.
3. (Original) An element according to claim 1, further including:  
a retaining element extending from the arm.
4. (Original) An element according to claim 3, wherein the retaining element defines a heel-capturing member.
5. (Original) An element according to claim 3, wherein the retaining element, the arm, and the bimodal spring member form an integral unit.
6. (Currently Amended) An element according to claim 1, further including:  
an arm/bimodal spring interface connecting between the bimodal spring member and the arm, ~~wherein the arm/bimodal spring interface induces changes in position of the arm in response to the bimodal spring member changing between the first stable position and the second stable position.~~

7. (Currently Amended) An element according to claim 6, wherein at least some portion of the arm/bimodal spring interface extends through an opening defined in the bimodal spring member when the arm ~~bimodal spring member~~ is in the open ~~first stable~~ position.

8. (Currently Amended) An element according to claim 7, wherein the portion of the arm/bimodal spring interface that extends through the opening when the arm ~~bimodal spring member~~ is in the open ~~first stable~~ position does not extend through the opening when the arm ~~bimodal spring member~~ is in the closed ~~second stable~~ position.

9. (Original) An element according to claim 6, wherein the arm/bimodal spring interface, the arm, and the bimodal spring member form an integral unit.

10. (Canceled).

11. (Currently Amended) An element according to claim 1, further including:  
a retaining element extending from the arm; and  
an arm/bimodal spring interface connecting between the bimodal spring member and the arm, ~~wherein the arm/bimodal spring interface induces changes in position of the arm in response to the bimodal spring member changing between the first stable position and the second stable position.~~

12. (Original) An element according to claim 11, wherein the retaining element, the arm/bimodal spring interface, the arm, and the bimodal spring member form an integral unit.

13. (Original) An element according to claim 1, wherein the bimodal spring member is round or oval shaped with an opening defined therein.

14. (Canceled).

15. (Currently Amended) A piece of footwear, comprising:  
a shoe member; and  
a foot-engaging element attached to the shoe member, wherein the foot-engaging element includes: (a) a bimodal spring member including an exterior edge, wherein the bimodal spring

member is capable of maintaining ~~movable between~~ a first stable position at which the exterior edge is located at a first position, and wherein the bimodal spring member is capable of maintaining a second stable position at which the exterior edge is located at a second position, and (b) an arm extending from the exterior edge of the bimodal spring member, wherein the arm is located at an open position when the exterior edge is located at ~~moves in response to the bimodal spring member changing between~~ the first stable position, and wherein the arm is located at a closed position when the exterior edge is located at the second stable position.

16. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element forms an integral unit.

17. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element further includes a foot-retaining element extending from the arm.

18. (Original) A piece of footwear according to claim 17, wherein the foot-retaining element defines a heel-capturing member.

19. (Canceled).

20. (Original) A piece of footwear according to claim 17, wherein the foot-retaining element, the arm, and the bimodal spring member form an integral unit.

21. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element is located at a heel portion of the shoe member.

22. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element is located at a toe portion of the shoe member.

23. (Currently Amended) A piece of footwear according to claim 15, wherein the foot-engaging element includes an arm/bimodal spring interface connecting between the bimodal spring member and the arm, ~~wherein the arm/bimodal spring interface induces changes in position of the arm in response to the bimodal spring member changing between the first stable position and the second stable position.~~

24. (Currently Amended) A piece of footwear according to claim 23, wherein at least some portion of the arm/bimodal spring interface extends through an opening defined in the bimodal spring member when the arm ~~bimodal spring member~~ is in the open ~~first stable~~ position.

25. (Currently Amended) A piece of footwear according to claim 24, wherein the portion of the arm/bimodal spring interface that extends through the opening when the bimodal spring member is in the open ~~first stable~~ position does not extend through the opening when the bimodal spring member is in the closed ~~second stable~~ position.

26. (Original) A piece of footwear according to claim 23, wherein the arm/bimodal spring interface, the arm, and the bimodal spring member form an integral unit.

27. (Canceled).

28. (Currently Amended) A piece of footwear according to claim 15, wherein the foot-engaging element further includes: (c) a foot-retaining element extending from the arm, and (d) an arm/bimodal spring interface connecting between the bimodal spring member and the arm; ~~wherein the arm/bimodal spring interface induces changes in position of the arm in response to the bimodal spring member changing between the first stable position and the second stable position.~~

29. (Original) A piece of footwear according to claim 28, wherein the foot-retaining element, the arm/bimodal spring interface, the arm, and the bimodal spring member form an integral unit.

30. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element, at least in part, connects a midsole of the shoe member to a footbed of the shoe member.

31. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element, at least in part, connects an outsole of the shoe member to a midsole of the shoe member.

32. (Original) A piece of footwear according to claim 15, wherein the bimodal spring member is round or oval shaped with an opening defined therein.

33. (Canceled).

34. (Currently Amended) A method of engaging a foot-receiving device with a user's foot, comprising:

orienting a bimodal spring member in a first stable position to place a foot-engaging portion of the foot-receiving device in a foot-accepting position, wherein the bimodal spring member includes an exterior edge, an arm extending from the exterior edge, and the foot-engaging portion extending from the arm; and

moving the bimodal spring member from the first stable position to a second stable position to thereby move the foot-engaging portion of the foot-receiving device to a foot-engaging position.

35. (Original) A method according to claim 34, wherein, in the foot-engaging position, the foot-engaging portion of the foot-receiving device engages a user's heel.

36. (Original) A method according to claim 34, wherein, in the foot-engaging position, the foot-engaging portion of the foot-receiving device engages a user's toes.

37. (Original) A method according to claim 34, wherein the bimodal spring member is moved from the first stable position to the second stable position by a user's foot.

38. (Canceled).

39. (Currently Amended) A method of engaging an engaging device to another member, comprising:

orienting a bimodal spring member in a first stable position to place an engaging portion of the engaging device in an open position, wherein the bimodal spring member includes an exterior edge, an arm extending from the exterior edge, and the engaging portion extending from the arm; and

moving the bimodal spring member from the first stable position to a second stable position to thereby move the engaging portion of the engaging device to a closed position.

40. (Canceled).